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Filing date: **01/16/2007**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

| | |
|------------------------|---|
| Proceeding | 91161817 |
| Party | Plaintiff Nextel Communications, Inc. Nextel Communications, Inc. , |
| Correspondence Address | John L. Stewart, Jr. Crowell & Moring, LLP P.O. Box 14300 Washington, DC 20004-4300 UNITED STATES jstewart@crowell.com |
| Submission | Other Motions/Papers |
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| Signature | /William J. Sauers/ |
| Date | 01/16/2007 |
| Attachments | Opposer's Second Notice of Reliance.pdf (4 pages)(100655 bytes) |

| | | |
|------------------------------|---|-------------------------|
| NEXTEL COMMUNICATIONS, INC., |) | |
| |) | |
| Opposer, |) | |
| |) | Opp. No.: 91/161,817 |
| v. |) | App. No.: 78/235,618 |
| |) | Pot. Mark: SENSORY MARK |
| MOTOROLA, INC., |) | (911 Hz tone) |
| |) | |
| Applicant. |) | |
| |) | |

OPPOSER'S SECOND NOTICE OF RELIANCE

The following pages from the Rule 30(b)(6) deposition of Nextel Communications, Inc. witness ALLISON O'REILLY, including a statement explaining why Nextel Communications, Inc. needs to rely upon each additional part listed:

Statement: This testimony is required to complete and clarify testimony
relied on by Applicant at Page 25, Lines 10-14, by providing the witness's complete

testimony confirming that Motorola is not the only manufacturer of Nextel devices providing two-way radio capabilities.

B. Acquired Distinctiveness Testimony

Page and line: p 34, lines 1-13; p 35, lines 16-25; p 36, lines 1-9; p 43, lines 13-23.

Statement: This testimony is required to complete and clarify testimony relied on by Applicant at Page 33, Lines 20-25, Page 34, Lines 14-25, Page 35, Lines 1-15, Page 36, Lines 10-25, and Page 37, Lines 1-16, by providing the excised portions of the witness's testimony indicating that counsel for Opposer objected to questions predicated on an understanding of the meaning of the term "acquired distinctiveness" as calling for a legal conclusion and that the deponent was unclear as to the meaning of "acquired distinctiveness" when giving the testimony cited by Applicant at Page 33, Lines 20-25, Page 34, Lines 14-25, and Page 35, lines 1-15, Page 36, Lines 10-25, and Page 37, Lines 1-16.

C. Inherent Distinctiveness Testimony

Page and line: p 41, line 25; p 42, line 1; p 42, lines 12-25; p 43, lines 1-7.

Statement: This testimony is required to complete and clarify testimony relied on by Applicant at Page 43, Lines 8-12, by providing the excised portions of the witness's testimony indicating that counsel for Opposer objected to questions predicated on an understanding of the meaning of the term "inherent distinctiveness" as calling for a legal conclusion. (Page 41, Line 25, and Page 42, Line 1, are required only in order to provide the antecedent for Opposer's counsel's "same objection" statements in the other material being designated.)

January 16, 2007

Respectfully submitted,



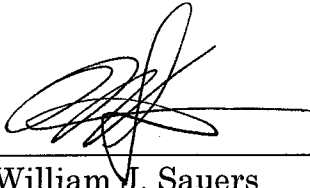
John I. Stewart, Jr.
Attorney for Opposer

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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the OPPOSER'S SECOND NOTICE OF RELIANCE was served on counsel for the Applicant, this 16th day of January, 2007, by sending same via e-mail and First Class Mail, postage prepaid, to:

John T. Gabrielides
Thomas Williams
BRINKS HOFER GILSON & LIONE
P.O. Box 10395
Chicago, IL 60610



William J. Sauers